



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NEW YORK 10007-1866

July 17, 2007

BY ELECTRONIC MAIL AND REGULAR MAIL

Mr. Christopher R.L. Colbourne
Vice President Design and Construction
Masterworks Development Corp.
56 West 45th Street, 4th Floor
New York, N.Y. 10036

**Re: Revisions to the Specification for Abatement and Selective Demolition
of 130 Cedar Street Building and its Appendices**

Dear Mr. Colbourne:

The United States Environmental Protection Agency (EPA) has reviewed the draft revisions to the following documents submitted electronically on June 19, 2007 by RJ Lee Group, Inc. (RJ Lee) on behalf of Masterworks Development Corp. (Masterworks): Specification for Abatement and Selective Demolition, Protocol Refinements, dated June 19, 2007; and Appendices A through K to the Specification for Abatement and Selective Demolition.

The draft aforementioned documents were also provided for review to the New York City Department of Environmental Protection (NYCDEP). EPA's comments are attached.

EPA's review of the draft aforementioned documents focused on containment measures to control potential releases of contaminants, proper procedures for monitoring and waste disposal. NYCDEP based their review on the regulations related to performance of an asbestos project.

EPA and NYCDEP have not reviewed the revisions made to the following draft documents also submitted electronically on June 19, 2007 by RJ Lee on behalf of Masterworks: Specification for Community Air Monitoring, Protocol Refinements, dated June 19, 2007; and the Quality Assurance Program Plan (QAPP), Protocol Refinements,

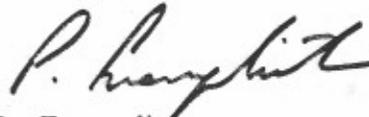
dated June 19, 2007. The revisions to these documents pertain primarily to the proposal to use two of the air monitoring stations from the 130 Liberty Street project as a replacement for two of the air monitoring stations already accepted to be used on-site at the 130 Cedar Street project as currently stated in the accepted March 27, 2007 version of the Specification for Community Air Monitoring. It is our understanding that a formal signed agreement between the owner(s) of the 130 Cedar Street building and the Lower Manhattan Construction and Command Center (LMCCC) has not been agreed upon to date with regard to the use of two of the 130 Liberty Street air monitoring stations as a replacement to two of the air monitoring stations for the 130 Cedar Street project. However, the accepted March 27, 2007 version of the Specification for Community Air Monitoring and QAPP may still be applied for the 130 Cedar Street project.

The regulators reserve the right to modify the attached comments and/or make additional comments about the proposed work if new information becomes available, or information, currently known and considered, is changed in whole or in part during the abatement and selective demolition project. The attached comments do not pertain to any matters not addressed in the documents reviewed. In the event that the plans for the abatement and selective demolition have to be supplemented as the project proceeds, the regulators will review and may provide additional comments after we review the supplementary information and documents submitted by Masterworks and/or its environmental consultant(s) or contractor(s).

To explain the revisions to the Draft, EPA requests that Masterworks provide the regulators with a separate response to each of the attached comments that states: (1) whether the comment has been incorporated into the revised draft submission; (2) if a comment has not been incorporated, the reason it was not incorporated; and, (3) any additional information to address Masterwork's response to the attached comments. The supplement will facilitate the regulators' review process. Kindly let us know Masterworks' schedule for submitting the revised draft submission.

We look forward to your response to our comments and our acceptance of your revisions to the Specification for Abatement and Selective Demolition and its Appendices prior to your commencement of work pertaining to the revisions proposed in the June 19, 2007 version of the aforementioned documents.

Sincerely,



Pat Evangelista
WTC Coordinator
New York City Response and Recovery Operations

Enclosure

cc: Sal Carlomagno, NYSDEC w/encl.
Chris Alonge, NYSDOL w/encl.
Krish Radhakrishnan, NYCDEP w/encl.
Richard Mendelson, OSHA w/encl.
Robert Iulo, NYCDOB w/encl.
Max Lee, NYCDOB w/encl.

Draft Specification for Abatement and Selective Demolition
Protocol Refinements
Dated June 19, 2007

General Comment:

1. The owner, its consultants and contractors should be cognizant that any changes that may need to be made to the 130 Cedar Street documents pertaining to the selective demolition and abatement of the 130 Cedar Street building may trigger changes to the submissions made to the New York City Department of Environmental Protection (NYCDEP), such as, but not limited to, the approved petition for variance dated April 20, 2007, and any subsequent revisions to it.

Subsection 1.0 Introduction:

2. Please clarify in the second paragraph the location of the two gaps between the two buildings similarly to what was originally done in subsection 2.5 of the April 13, 2007 version of the *Specification for Abatement and Selective Demolition*.

3. The second paragraph states that the search for Potential Human Remains (PHR) on the roof and terraces and the gaps between the two buildings will be conducted during Phase I. The statement in the second paragraph that the PHR search on the roof and terraces will be conducted during Phase I contradicts subsection 2.9. Subsection 2.9 states that this work will be conducted during Phase IIIC. The sequencing of this work needs to be clarified. If it is to be conducted during Phase I, subsection 2.1 should be revised to make it clear exactly what PHR search activities will be conducted (i.e., the roof and terraces or the gaps or both) and reference the appropriate procedures to be followed for both PHR searches in the appendices. Lastly, please ensure that the procedures to be followed for both PHR searches are included in the appendices.

4. This subsection states the following: “The west wall will not be demolished but will remain as part of the new construction.” This statement conflicts with Appendix I (West Wall Designations: 130 Cedar Street West Wall Designations) which states that the interior and exterior walls of the main and back stairwells are to be demolished during selective demolition Phase IV. Please clarify and revise all relevant subsections of the plans accordingly.

Subsection 2.1 Phase I: Abatement to Develop a “Clean Zone”:

5. The third and tenth paragraphs of this subsection state that the fan room and the elevator machine room will be abated per NYSDOL Code Rule 56 and NYCDEP Title 15 during Phase I. Why/How will the fan room and elevator machine room be “abated” during Phase I if these rooms are being used to run one of the freight elevators during portions of the abatement activities in the building?

6. The first bullet item on page 7 of the redlined version of subsection 2.1 discusses abating the passenger elevator shaft for the basement level. However, reference to abating this area was not specified in two earlier paragraphs of this subsection which discussed the areas to be abated during Phase I. Please confirm if the passenger elevator shaft for the basement level will be abated during Phase I. If so, please revise the third paragraph on page 5 and the fourth bullet item on page 6 of the redlined version of subsection 2.1 to state this fact.

7. The first bullet item on page 7 of the redlined version of subsection 2.1 discusses the passenger elevator shaft for the basement level being abated during Phase I. Where will the passenger elevator cars be located during Phase I through Phases III J if the basement level of the passenger shaft is proposed to be abated and cleared during Phase I? Where will the passenger elevator cars be located during the abatement of the passenger elevator shaft and on what floor will the passenger elevator cars be abated and undergo final visual and air sampling clearance activities? Please provide clarity in all relevant subsections of the plan.

8. The word “room” is missing after “elevator machine” in the first sentence of the second bullet item on page 7 of the redlined version of subsection 2.1.

9. The second bullet item on page 7 of the redlined version of subsection 2.1 states that the elevator machine room will be “gross abated” during Phase I. However, this statement contradicts the last bullet item on page 7 of the redlined version of subsection 2.1 which states that the elevator machine room will undergo final visual inspection and final air clearance sampling during Phase I as well. How will the elevator machine room undergo final visual inspection and final air clearance sampling during Phase I if it is being used to run one of the freight elevators during portions of the abatement activities in the building? Further, the last bullet item on page 7 of the redlined version of subsection 2.1 contradicts Subsection 2.12 which states that final cleanings and final visual inspection and final air clearance sampling of the elevator machine room will be conducted during Phase III J. Please provide clarity in all relevant subsections of the plan.

10. The fourth bullet item on page 7 of the redlined version of subsection 2.1 states the following: “abatement of the remaining areas will be performed per the NYCDEP ACP 7 and 9 and these specifications”. Is the fan room newly proposed to be abated during Phase I included in this generalized statement? What are the remaining areas to be abated that are referenced in this bullet item? This subsection should specifically state what these areas are.

11. What is the relationship between the elevator machine room and the fan room? Is the fan room used to provide incoming air to cool the freight elevator mechanical equipment or to exhaust air from the elevator machine room? If so, will it be functioning and will it be used during usage of one of the freight elevator cars for abatement activities. Please be cognizant that the sequencing of the gross abatement and final cleaning, final visual

inspection, and final air clearance sampling of the fan room may need to be reconfigured if it is being used during any of the abatement activities.

12. The last bullet item on page 7 of the redlined version of subsection 2.1 states that one set of air clearance samples will be taken in the fan room and that one set of air clearance samples will be taken in the elevator machine room. Notwithstanding the above questions on the sequencing of gross abatement and final cleaning, final visual clearance, and final air clearance sampling in these two rooms, the number of final air clearance samples should be consistent with what is stated in Section 3.0, Specification for the Removal of the Building. This section states that not less than five samples per floor for metals and five samples per floor for asbestos will be collected and analyzed per containment area. Section 4.0, Specification for Abatement and Selective Demolition, should be consistent with the aforementioned Section 3.0. Consequently, if the fan room will undergo final air clearance sampling during Phase I and the elevator machine room will undergo final air clearance sampling during Phase III J, five samples for metals and five samples for asbestos would be collected from each room since each room will undergo final cleaning, final visual inspections, and final clearance air sampling at different phases of the project.

13. The last bullet item on page 7 of the redlined version of subsection 2.1 discusses access to the north “dirty area” of floor 1 for “OCME search activities”. What OCME activities are being discussed in this bullet item (see comment above on the PHR search referenced in Subsection 1.0)? This bullet item should be rewritten to state what specific OCME activities will be conducted during Phase I.

14. The statement in the second paragraph that the PHR search on the roof and terraces will be conducted during Phase I contradicts subsection 2.9. Subsection 2.9 states that this work will be conducted during Phase III C. The sequencing of this work needs to be clarified. If it is to be conducted during Phase I, subsection 2.1 should be revised to make it clear exactly what PHR search activities will be conducted (i.e., the roof and terraces or the gaps or both) and reference the appropriate procedures to be followed for both PHR searches in the appendices. Lastly, please ensure that the procedures to be followed for both PHR searches are included in the appendices.

Subsection 2.7 Phase III A1: Abatement/Demolition of the West Roof Parapet Walls and 90 West St. Façade Clean Up:

15. This subsection has been revised to state that the concrete west roof parapet walls will be demolished during selective demolition in Phase IV. However, the original accepted version of the plan also discussed the abatement of the west roof parapet walls. In what phase is the abatement proposed to be done now and where in the plan can the procedures to be followed for its abatement can be found? All relevant portions of the plan should be revised to address this issue.

16. Why has the demolition of the west roof parapet walls been shifted to Phase IV (non-abatement demolition work)? Are the west roof parapet walls damaged or breached?

Subsection 2.8 states that the initial inspection of the exterior bay damage indicates that there are areas of damage that extend from the roof parapets down the side(s) of the building through floors 12, 11, and into the 10th floor. Please clarify. If the west roof parapet walls are damaged or breached, containment procedures already noted in the plan should be followed for the demolition of these walls during one of the abatement phases for the project and the relevant portions of the plan should be revised accordingly.

Subsection 2.8 Phase III B: Abatement of Floors 10, 11, and 12:

17. Numerous bullet items have been deleted in the proposed revisions to this subsection. In particular, we have questions on the following bullet items that have been removed:

a. “Abatement will begin at the top of the wall on the upper most floor of the containment, in the case of this Phase IIIB that will be floor 12. For HEPA vacuuming of the brick and concrete, the HEPA Vacuum labeled and dedicated for the use only in areas of interest to the OCME will be used. The debris from this vacuum will be stored in a designated area until such time as an OCME representative inspects the debris. At present, plans are to store this bagged debris in a secure area on the north side of the 1st floor in an area under containment.”

Why has this bullet item been removed? This bullet item discusses the approach to be taken for areas of interest to the OCME. The bullet item should remain within the plan.

b. “After the west wall on all floors have been demolished, a seal utilizing plywood and spray foam and a poly drip cloth from floor to wall will be installed between the Building and 90 West St. at the Building floor 10 deck.”

Why has this bullet item been completely removed as opposed to being slightly modified for those aspects pertaining to the owner of the building working cooperatively with NYCDEP and its contractor(s) on addressing the PHR search in the gap areas? Has a visual inspection of the walls of the 130 Cedar Street building that abut the gap areas and the 90 West building been completed to determine if they were breached due to the WTC event? Please clarify. If any portions of the walls of the 130 Cedar Street building that abut the gap areas and the 90 West building are breached, procedures should be in place and specified in the plan for ensuring that a barrier and/or seal is in place within the gap area to avoid a potential release to the environment from the demolition of those portions of the breached wall(s) that would be conducted under containment.

Subsection 2.9 Phase IIIC: Roof Abatement (Main Roof, Bulkhead Roofs, 10, 11, 12 Floor Terraces):

18. This subsection states that the OCME investigation of the debris on the roofs will take place before the layered roofing material abatement occurs. What procedures will be followed? Are they the procedures specified in Appendix H? If so, this should be stated in the plan or provide the procedures within this subsection or as an appendix to the plan.

19. The sequencing of the OCME investigation during Phase III C conflicts with Subsection 2.1 which states that it is to be conducted during Phase I (see comment above on the PHR search referenced in Subsection 1.0). Please clarify in all relevant subsections of the plan.

Subsection 2.10 Phase III D: Abatement of Floor 9 and Floor 8:

20. Numerous bullet items have been deleted in the proposed revisions to this subsection. In particular, the following bullet items have been removed:

a. “Brick and concrete will be HEPA vacuumed utilizing a HEPA Vacuum labeled and dedicated for the use only in areas of interest to the OCME. The debris from this vacuum will be stored in a designated area until such time as an OCME representative inspects the debris. At present, plans are to store this bagged debris in a secure area on the north side of the 1st floor in an area under containment.”

Why has this bullet item been removed? This bullet item discusses the approach to be taken for areas of interest to the OCME. The bullet item should remain within the plan.

b. “A seal, utilizing plywood and spray foam and a poly drip cloth from floor to wall will be installed between the Building and 90 West St. at the Building floor 9 deck. The seal at the floor deck above remains from the façade cleaning of the containment above.”

Why has this bullet item been completely removed as opposed to being slightly modified for those aspects pertaining to the owner of the building working cooperatively with NYCDEP and its contractor(s) on addressing the PHR search in the gap areas? Has a visual inspection of the walls of the 130 Cedar Street building that abut the gap areas and the 90 West building been completed to determine if they were breached due to the WTC event? Please clarify. If any portions of the walls of the 130 Cedar Street building that abut the gap areas and the 90 West building are breached, procedures should be in place and specified in the plan for ensuring that a barrier and/or seal is in place within the gap area to avoid a potential release to the environment from the demolition of those portions of the breached wall(s) that would be conducted under containment.

Subsection 2.12 Phase III J: Freight Elevator:

21. This subsection has been revised to discuss the procedures for collecting run-off water at the bottom of the freight elevator using a catch-basin. Subsections 2.1, 2.8, and 2.10 states that the procedures specified under Subsection 2.12 would be followed for abating the passenger elevator shaft. Since Subsection 2.12 no longer discusses the approach and procedures to be used for collecting run-off water for the lowest point(s) of each containment area (e.g., the passenger elevator shaft per containment work area), those subsections or another portion of the plan should discuss the procedures to be followed for collecting run-off water for the passenger elevator shaft that will be abated

at various phases under various containment work areas along the abatement portion of the project.

22. The basement level of the passenger elevator shaft is now proposed to be abated and final cleared first during Phase I as opposed to Phase III I after the passenger elevator shaft floors above have completed being abated. With the newly proposed sequencing, abatement of the passenger elevator shaft floors above the cleaned and cleared basement level with consequential run-off water could potentially re-contaminate the cleaned basement level portion of the passenger elevator shaft. How will water intrusion into the final cleaned and cleared basement level of the passenger elevator shaft be prevented? The plan (e.g., subsection 2.1) should be revised to explicitly state that the basement level portion of the passenger elevator shaft would be re-cleaned pursuant to the wash down procedures described for the freight elevator shaft abatement in subsection 2.12 (see comment above on catch-basin for collecting run-off water in passenger elevator shaft) if water intrusion does occur into the basement level of the passenger elevator shaft.